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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,776	10/20/2003	Kyung Su Chae	0465-0990P	9604
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EXAMINER				
MILLER, MICHAEL G				
ART UNIT		PAPER NUMBER		
1712				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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mailroom@bskb.com

# Office Action Summary

**Application No.**

10/687,776

**Applicant(s)**

CHAE ET AL.

**Examiner**

MICHAEL G. MILLER

**Art Unit**

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 1, 4, 7, 11, 12, 15-23 and 25 is/are pending in the application.
- 5a) Of the above claim(s) 15-22 is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1, 4, 7, 11, 12, 23 and 25 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-326)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1) Examiner notes the amendment filed 17 NOV 2011. As a result of the amendment:

- a. Claims 1, 4, 7, 11, 12, 15-23 and 25 are pending.
- b. Claim 1 is amended.
- c. Claims 15-22 are withdrawn.
- d. Claim 25 is new.

***Response to Arguments***

2) Applicant's arguments filed 17 NOV 2011 have been fully considered but they are not persuasive.

3) Applicant's first argument is that the inkjet printer of '384 is not inherently capable of printing across an entire surface. Examiner respectfully disagrees. Examiner further notes that while the portion of '384 cited by Applicant at Page 8 of the remarks clearly calls for a partitioned area on its substrate, neither that cited section nor any other portion of '384 make reference to where that partitioned area is on the substrate. If the partitioned area of '384 can be anywhere on the substrate without limitation, then the inkjet printer must be able to print anywhere on the substrate without limitation to cover any possible configuration of partitioned and non-partitioned areas. Therefore, Examiner stands by the position that the inkjet printer of '384 is inherently capable of printing across an entire surface.

4) Applicant's second argument is that '384 does not teach fixing a substrate to a print table, noting that the substrate moves after positioning on the table at page 9 of the Remarks. Examiner respectfully disagrees, noting that it is not required that the print table be fixed during the printing operation. The portion of '384 cited by Applicant at page 9 clearly teaches that the substrate is moved to a desired position on the print table, and then the print table conveys the substrate to the printing part while maintaining the position of the substrate on the print table. Thus, the substrate is fixed to the print table.

5) Applicant's third argument is that '384 does not teach that the robot lifts the substrate to a height higher than the printing part. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Furthermore, Examiner respectfully disagrees with this assertion, referring to '384 Column 18 Lines 38-45 (teaching that the assembly line does not need to be linear) and '667 Column 3 Lines 11-19 (teaching that the process modules can be stacked vertically). As previously discussed, when there is a teaching of stacking, for example, a printing module and a drying module, it would have been obvious to stack the drying module above the printing module as one of two possible configurations. Therefore, any mechanical conveyance of '384 would be elevating the substrate over the top of the printing part by necessity in the configuration of '667.

6) Applicant's fourth argument is that the invention calls for a device usable for forming an alignment layer, while '384 is concerned with forming a color filter; therefore, the claimed device cannot be equated to the prior art. Examiner respectfully disagrees. An inkjet printer prints whatever liquid is charged into its reservoirs. The printer of '384 is clearly capable of receiving and printing an alignment fluid containing liquid.

7) Applicant's fifth argument is that the secondary references do not cure the alleged deficiencies of '384. Examiner respectfully points out that secondary references are not required to teach all particulars of a primary reference; further, the alleged deficiencies of '384 have been addressed above.

***Claim Rejections - 35 USC § 103***

8) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9) The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- (1) Determining the scope and contents of the prior art.
- (2) Ascertaining the differences between the prior art and the claims at issue.
- (3) Resolving the level of ordinary skill in the pertinent art.
- (4) Considering objective evidence present in the application indicating obviousness or nonobviousness.

10) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 11) As these claims are drawn to a device, portions of the claim which do not define physical structure will be given limited patentable weight to the extent that they provide requirements that the device must be capable of.
- 12) Claims 1, 4, 7, 11-12, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US Patent 6,331,384, hereinafter '384) in view of Fairbairn et al (US Patent 6,176,667, hereinafter '667).
- 13) With regard to Claim 1, '384 teaches a device usable for forming an alignment layer of a display apparatus, the device comprising:
  - a) A substrate adapted to receive an alignment material on a surface (Column 12 Lines 36-50);
  - b) A printing part (Column 12 Lines 36-64, specifically the stage 52) including
    - i) A print table fixing the substrate (the stage 52); and
    - ii) At least one inkjet head to spray an alignment material onto the substrate (Column 12 Lines 36-50 specifically); to form the alignment layer printed on the surface of the substrate;

- c) A drying part (Column 13 Lines 1-15, specifically referencing heating apparatus 208) the drying part including
  - i) A dry table having a hot plate adapted to dry a solvent of the alignment material onto the substrate ('384 Column 10 Lines 62-65 teaches an oven; Column 9 Lines 47-50 teach that hot plates and hot-air ovens are interchangeable in this process);
- d) A transferring part having a transfer robot lifting the printed substrate to a height in a vertical direction ('384 Column 14 Line 60 – Column 15 Line 27 details a robot capable of motion in the vertical and radial directions of cylindrical coordinates; choosing a robot for this transfer would be one of a finite number of choices that a person skilled in the art would be able to choose between with a reasonable expectation of success )(Column 14 Lines 36-49 discussing conveyors and robots) for transferring the substrate from the printing part to the drying part (Column 18 Lines 38-45 teaches that the units can be individual modules with substrates transferred individually; it would be a matter of design choice to control the order in which substrates are transferred between modules), and placing the printed substrate on the dry table after the printing process (as above);
- e) Wherein the at least one inkjet head ('384 Column 12 Lines 36-49) is positioned above the printing part ('384 Figure 7 shows the inkjet head above the printing part), and wherein:

- f) At least one array of inkjet heads is positioned in one line according to a long side or a short side of the substrate ('384 Column 19 Lines 42-49) to print the alignment layer onto the long or short side of the substrate at one time.
- g) '384 does not explicitly teach a coating step wherein an alignment layer is sprayed completely across a surface of the substrate. However, Examiner notes that the claim is drawn to a device, and that the limitation of using the device to print across the entire surface of a substrate is a statement of intended use only. It provides no structure to the claimed device. '384 teaches an inkjet head as described above; inkjet heads are inherently capable of providing coatings across entire surfaces given proper programming.
- h) '384 does not teach that the drying part is disposed directly and vertically above the printing part. However, '384 teaches that its linear embodiment is only exemplary and that the units can be individual with substrates transferred individually (Column 18 Lines 38-45). '667 teaches that stacking process chambers above each other can reduce the floor space needed for a process, allowing for more efficient use of space. This speaks to a problem stated by Applicant of more efficiently using clean room space. Further, '667 shows a pair of enclosed modules aligned directly over/under each other (Figure 1, items A1 and A2; Column 3 Lines 11-19). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the apparatus of '384 by adding the teaching of '667 to stack the portions of the apparatus because '384 teaches that the portions of the



apparatus can be modular and '667 teaches that stacking modular apparatuses improves the optimization of floor space.

- i) As far as the limitation of disposing the drying part above the printing part, this claim would have been obvious because a person of ordinary skill has good reason to pursue the known options with his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In a stacked system consisting of a printing part and a drying part, there are two permutations that these can be stacked in (e.g., drying over printing and printing over drying). One of ordinary skill in the art could have chosen from either of these options with an equally reasonable expectation of success. '384/'667 discloses the claimed invention except for the relative location of the drying and printing parts. It would have been an obvious matter of design choice to locate the drying part directly and vertically above the printing part, since it has been held that rearranging parts of an invention only involves routine skill in the art. *In re Japikse*, 86 USPQ 70. As such, any mechanical conveyance as taught by '384 would necessarily raise the printed substrate to a height higher than the inkjet head in the above configuration of '667.
- j) '384/'667 teaches a print table to receive the substrate and an inkjet head ('384 Column 12 Lines 36 – 51, talking about moving a print stage and driving an inkjet head assembly); as each of these parts can be moved independently, the apparatus can function by or by moving the inkjet over the stationary substrate. The references do not teach a preferred direction of motion; however, the claim

would have been obvious because "a person of ordinary skill has good reason to pursue the known options with his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." There are three classes of linear planar motion possible – horizontal and parallel to a defined axis, horizontal and perpendicular to a defined axis, or transverse to a defined axis.

14) With regard to Claim 4, '384/'667 teaches the device of claim 1, wherein:

- a) A size and an arrangement of the inkjet heads are varied according to a size and a kind of the substrate ('384 Column 8 Line 62 – Column 9 Line 26; if a mono-color filter is desired, all the print heads print one color as discussed in Column 18 Lines 46-49; and the width of printing is determined by the maximum width of the substrate as discussed in Column 19 Lines 42-49).

15) With regard to Claim 7, '384/'667 teach that the coatings are applied by inkjet deposition. Polyimide PI is capable of being deposited by inkjet and therefore the device taught in claim 1 is capable of meeting the limitation of claim 7.

16) With regard to Claim 11, it is well known in the art that alignment layers can be provided in LCD devices (as provided in Claim 1 above in '384). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have used a device capable of printing alignment layers for the purpose of printing alignment layers in LCD devices.

17) With regard to Claim 12, '384/'667 teaches that it is known to manufacture electronic components in clean rooms ('667 Column 1 Lines 5 – 30).

18) With regards to Claim 23, '384 Column 19 Lines 42-49 discuss the concept of an inkjet head having a width equal to that of the substrate.

19) With regards to Claim 25, Claim 25 is rejected as Claim 1, the only difference being the absence of the inkjet head orientation limitation thereof.

***Conclusion***

20) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL G. MILLER whose telephone number is (571)270-1861. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL G MILLER/  
Examiner, Art Unit 1712

/Michael Cleveland/  
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